

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

21 MC 100 (AKH)

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

DOCKET NO. 05 CV 07273

BRUCE GREENBERG and ANGELA GREENBERG,
Plaintiffs,

-against-

RESPONSE TO MOTION
FOR SUMMARY JUDGMENT
DISMISSING COMPLAINTS
AGAINST THE PORT
AUTHORITY OF NEW YORK
AND NEW JERSEY FOR
LACK OF SUBJECT
MATTER JURISDICTION

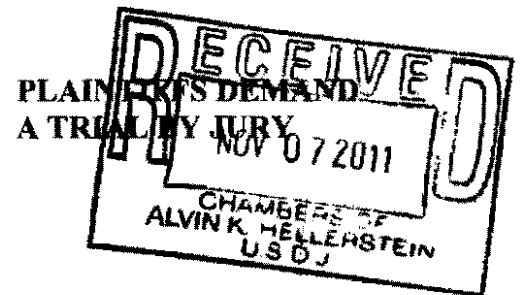
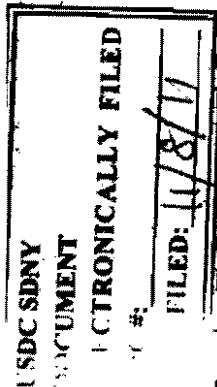
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, THE PORT AUTHORITY
OF NEW YORK AND NEW JERSEY, SILVERSTEIN
PROPERTIES, INC., BOVIS LEND LEASE LMB,
INC. f/k/a LEHRER McGOVERN BOVIS, INC., NEW
YORK CITY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, and NEW YORK
CITY DEPARTMENT OF HEALTH and MENTAL
HYGIENE,

Defendants.

Plaintiffs, BRUCE GREENBERG and ANGELA GREENBERG, by their attorneys
STEPHEN M. CANTOR, P.C., ATTORNEY AT LAW, 319 Broadway, Suite 400, New York,
New York 10007, (212) 732-8456, in Response to the Motion for Summary Judgment Dismissing
Complaints Against The Port Authority of New York and New Jersey for Lack of Subject Matter
Jurisdiction and the Memorandum Of Law, dated October 12, 2011, in support thereof,
respectfully allege:

1. The Plaintiff, BRUCE GREENBERG, is listed in section 2, page 16 of said Memorandum of Law, under "Action Commenced More Than One Year After Accrual," which, according to movants therein, must be dismissed pursuant to the requirement of Section 7107, which states an action against the Port Authority must be commenced within one year of its accrual. However, the 'Accrual Date (based on Notice(s) of Claim)' is incorrectly listed as 5/5/2004, while the 'Date Action Commenced' is correctly listed as 5/11/05. (See Exhibit 1 enclosed.)
2. The correct accrual date was 7/21/2004, the date the Notice of Claim was served on the Port Authority; and 5/11/2005 was the date the action commenced. (See copies of the Notice of Claim and Complaint in Exhibit 2, enclosed; the dates are identical with those in paragraph 10 of the Declaration of Robert H. Rickner in Support of Motion for Summary Judgment Dismissing Complaints Against the Port Authority of New York and New Jersey for Lack of Subject Matter Jurisdiction, dated October 11, 2011, in Exhibit 3, enclosed).
3. Therefore, since the Plaintiff, BRUCE GREENBERG'S, action was commenced within one year of its accrual, said Motion for Summary Judgment Dismissing Complaints Against The Port

*This response being conclusory, is insufficient to oppose
def't's well-pleaded motion for summary judgment. Pl. must
submit competent proof relating to the facts which cause action
accrued, by 4:00 pm. Nov. 18, 2011. So ordered, 11/8/11
Ch. K. Hallinan*



Authority of New York and New Jersey for Lack of Subject Matter Jurisdiction, must be dismissed as to the Plaintiff, BRUCE GREENBERG.

Plaintiffs demand that all issues of fact in this case be tried before a properly empanelled jury.

Dated: New York, New York
November 2, 2011

Yours, etc.

STEPHEN M. CANTOR, P.C.,
ATTORNEY AT LAW

A handwritten signature in black ink, appearing to read 'Stephen M. Cantor', is written over a horizontal line.

By: Stephen M. Cantor, Esq. (8690)
319 Broadway, 4th Floor
New York, New York 10007
(212) 732-8456

Judge wrote:

“This response, being conclusory, is insufficient to oppose defendants’ well-pleaded motion for summary judgment. Plaintiff must set forth competent proof relating to the facts when his cause of action accrued, by 4:00 pm. Nov. 18, 2011. So Ordered.

11/8/11

Alvin K. Hellerstein”